

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RAMIK BANKS,	:	Civil No. 1:20-CV-01438
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DR. TROTTA, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

**ORDER**

Before the court is the report and recommendation of United States Magistrate Judge Martin C. Carlson recommending that the court grant Defendants Dr. Trotta, Vanessa Nicola, Deputy Superintendent John Rivello, and Secretary of the Department of Corrections John Wetzel’s motion for summary judgment. (Doc. 26.) Specifically, Judge Carlson opines that there are no genuine issues of material facts as to Plaintiff’s Eighth Amendment, parallel state claim alleging medical deliberate indifference, and failure to intervene claims such that judgment is appropriate in Defendants’ favor. (*Id.*) Plaintiff generally objects to the report and recommendation by rearguing his claims and disagreeing with Judge Carlson’s conclusions. (Doc. 30.) Defendants timely filed a brief in opposition to the objections; thus, this report and recommendation is ripe for review. (Doc. 31.)

When a party raises only general objections to a report and recommendation, a district court is not required to conduct a de novo review of the report and

recommendation. *Goney v. Clark*, 749 F.2d 5, 6–7 (3d Cir. 1984). “To obtain de novo determination of a magistrate’s findings by a district court, 28 U.S.C.

§ 636(b)(1) requires both timely and specific objections to the report.” *Id.* at 6.

Thus, when reviewing general objections to a report and recommendation, the court’s review is limited “to ascertaining whether there is ‘clear error’ or ‘manifest injustice’” on the face of the record. *Boomer v. Lewis*, No. 3:06-CV-00850, 2009 WL 2900778, at \*1 (M.D. Pa. Sept. 9, 2009).

The court has reviewed Judge Carlson’s report and recommendation and finds no clear error or manifest injustice on the face of the record. Plaintiff’s objections merely express disagreement with Judge Carlson’s analysis and attempt to rehash or restate arguments already considered and rejected by Judge Carlson in the thorough report and recommendation. Accordingly, **IT IS ORDERED**

**THAT:**

- 1) The report and recommendation, Doc. 26, is **ADOPTED** in its entirety;
- 2) Plaintiff’s general objections, Doc. 30, are **OVERRULED**;
- 3) Defendants’ motions for summary judgment, Doc. 21, is **GRANTED**;
- 4) Judgement shall be entered in favor of the following Defendants: Dr. Trotta, Vanessa Nicola, John Wetzel, and John Rivello.

s/Jennifer P. Wilson  
JENNIFER P. WILSON  
United States District Court Judge  
Middle District of Pennsylvania

Dated: July 25, 2022